

MONTEREY COUNTY ELECTIONS

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Salinas, CA 93901

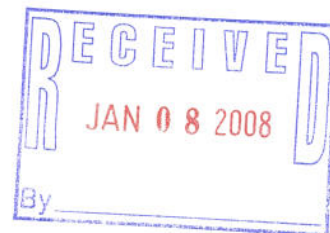
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Linda Tulett
Registrar of Voters

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January 2, 2008

Mr. Ryan Macias
Office of the Secretary of State
Office of Voting System Technology Assessment
1500 11th Street, 6th Floor
Sacramento, CA 95814

RE: Election Observer Panel Plan

Dear Mr. Macias,

Enclosed you will find Monterey County's Election Observer Panel Plan that will be implemented in conjunction with the February 5, 2008 Presidential Primary Election.

Please do not hesitate to contact me if you have any questions.

Best,

Linda Tulett
Registrar of Voters

Election Observer Panel Plan

I. County and System Information

Name of County: Monterey
Name of Contact: Linda Tulett, Registrar of Voters
Contact's Phone: 831-796-1499
Vendor: Sequoia Voting Systems, Inc.
Voting Systems: AVC Edge II and Optech 400-C
Date: January 2, 2008

II. Purpose

The purpose of an Election Observer Panel is to:

1. Provide an opportunity for public observation and input
2. Assist in enhancing integrity in the election process
3. Encourage citizen participation
4. Increase voter confidence

The Election Observer Panel is invited to observe all critical procedures of the election process, including Logic and Accuracy testing of each AVC Edge II touch-screen unit, Logic and Accuracy testing of each Optech 400-C central count machine, vote by mail (absentee) ballot processing, election officer trainings, Election Day activities, Election Night ballot tabulation and reporting, and canvass procedures, such as the manual tally.

III. Invite

By January 7, 2008, thirty days before the February 2008 Presidential Primary, Monterey County Elections will mail letters of invitation to the following:

1. County Grand Jury
2. County Information Technology Department
3. Political Party Central Committee(s)
4. League of Women Voters
5. Groups or individuals who have expressed an interest in the election process, or local government agencies who have requested election services from the County, such as a City Clerk
6. Media

IV. Appointment of Panelists

After the above listed groups have received their letters, they may provide the names of interested Observer Panelists (Observers) to Monterey County Elections. The Registrar of

Voters will then officially appoint the Observers and host a meeting to provide a chance for members to meet and ask questions about the upcoming observation process. At the meeting, Observers will be provided with observation related materials, including the General Rules of Conduct.

V. General Rules of Conduct

OVERVIEW

Observers who fail to adhere to the rules contained in these guidelines will be removed from the Observer Panel.

Observers may view election processes and procedures at various locations during set schedules:

1. Monterey County Elections Department central location and warehouse (Central Office), 1370 B South Main Street, Salinas, CA, 93901
2. Election Officer training locations
3. Polling places
4. Supply pick-up and Receiving Centers where Election Officers may obtain Election Day supplies or drop-off Election Night materials

Operations will continue as scheduled, whether or not an Observer is present.

Interfering with the preparation and holding an election, or with voters lawfully exercising their rights of voting at an election, is punishable by imprisonment for up to 3 years in state prison (California Elections Code §18502).

The Monterey County Elections Department will cooperate with reasonable requests from observers.

GENERAL RULES WHILE AT CENTRAL OFFICE:

Check In Procedures

1. All observers must sign-in upon arrival.
2. An Election Observer Badge will be issued. This Badge must be worn at all times.
3. When leaving, Observers must sign-out and return the Badge to the front counter.

The number of Observers in any one observation area may be limited by available space. If the area is too small to accommodate all interested Observers, the Registrar of Voters will create an observation schedule.

Observers may:

1. Observe the pre-election proceedings, including:
 - a. Logic and Accuracy Testing of Optech 400-C scanners and Edge touch-screens
 - b. Programming of Result Cartridges
 - c. Sealing, staging, and security of voting units

- d. Scanning and tracking of equipment
 - e. Ballot quality control and packaging
 - f. Chain of custody records for equipment and ballots
 - g. Preparation of polling place supplies for delivery to the polling sites
 - h. Preparation and security of voting supplies for pick-up by the Inspectors
2. Observe the Early Voting and Election Day voting proceedings
3. Observe the Election Night procedures, including:
 - a. Precinct supply check-in
 - b. Ballot tabulation and results reporting
4. Observe the canvass procedures, including:
 - a. Selection of precincts for the 1% manual tally
 - b. Tally of valid write-in votes
 - c. Ballot Duplication
 - d. Ballot and precinct supply reconciliation
 - e. Verification of provisional ballots
 - f. Manual tally of votes
5. Observe and make notes about the proceedings
6. Be permitted access to a designated observation area, sufficiently close to enable them to observe established procedures
7. Be permitted to observe and inspect, without physical contact, the integrity of all visible security seals used to secure voting equipment in a time and manner that does not interfere with the conduct of the election
8. A staff member will assist the Observers as an Observer Escort. Observers may ask the Escort questions regarding election procedures. The Escort will either answer the questions or direct them to the appropriate official. Depending on the complexity or nature of a question, the Escort may request that the Observer submit the question, in writing, to the Registrar of Voters

Observers may not:

1. Interfere in any way with the procedures or the conduct of any election.
2. Talk to voters or Elections staff in such a manner as to interfere with or delay any process.
3. Touch any voting materials or equipment or sit at the official worktables.
4. Stand, carry on discussions, or pause for lengths of time in the area between the official worktables, voting booths, and vote tabulating equipment. Observers are to remain in the dedicated observation area(s).
5. Intimidate or impede staff or voters in any way.
6. Talk to voters relating to the casting of a vote, display any election material, wear

candidate badges or speak to a voter about their qualifications to vote within 100 feet of the entrance to the Early Voting area.

7. Use cellular telephones, pagers or two-way radios inside the Central Office or within 100 feet of the entrance to the Early Voting polling place.
8. Use cameras, including cellular telephone cameras, or video recording devices of any kind while inside the Early Voting polling place or photograph, videotape, or otherwise record a voter entering or exiting the Early Voting polling place with intent of dissuading them from voting.
 - a. Photography of any sort is a highly sensitive security issue. Staff and voters may and can object to being photographed or videotaped. Observers must receive prior approval from the Registrar of Voters before photographing any activity in the Central Office, including Logic and Accuracy procedures, seal placement or verification, or ballot processing and tabulation.
9. Remove or view any materials in a way so that others are unable to use them.
10. Use Central Office telephone, electrical or Internet outlets, or computers.
11. Have pagers and cellular telephones turned on. These items must be set to vibrate or off. Observers must sign-out and leave the Central Office if they wish to use their phone.
12. Make physical contact with staff. Observers must at all times remain no closer than arm's distance from any staff member.
13. Hold discussions and conversations in the designated work areas.
14. Be in designated work areas when staff is not present.

GENERAL RULES FOR OBSERVING VOTE BY MAIL BALLOT PROCESSING

The Observer's function is to observe the ballot verification and processing procedures. Observers may not assist in operations or touch or handle any ballots or other election-related materials.

1. No Observer shall interfere with the orderly processing of vote by mail (absentee) ballot return envelopes or processing and counting of vote by mail (absentee) ballots, including touching or handling of the ballots or envelopes. (Elections Code §15104e)
2. Observers will be permitted access to a designated observation area, sufficiently close to enable them to observe and challenge whether individuals handling vote by mail (absentee) ballots are following established procedures (Elections Code 15104d)
3. Challenges may be made for the same reasons as those made against a voter voting at a polling place (voter is not the same as listed in the voter database or voter is not qualified to be registered to vote). In addition, a challenge may be entered on the grounds that the ballot was not received within the time provided by law. All challenges shall be made prior to the opening of the identification envelope of the challenged absent voter. Because the voter is not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made.

BALLOT HANDLING CHALLENGES

1. Any member of the Observer Panel who is also a member of the County Grand Jury, or a member of the political party Central Committees or County Councils who have a candidate on the ballot, or any other interested organizations, shall be permitted to observe and challenge the manner in which the vote by mail (absentee) ballots are handled, from the processing of vote by mail (absentee) ballot return envelopes through the counting and disposition of the ballots (Elections Code §15104b)
2. Observers may not challenge signatures on vote by mail (absentee) ballot return envelopes. Only the elections official shall perform signature comparison, in accordance with Division 3 of the California Elections Code.

GENERAL RULES WHILE OBSERVING PROCEDURES AT THE POLLING PLACE:

Observers shall:

1. Complete a sign-in sheet indicating their name and the times they are present to observe. Please check in with the Election Officers and let them know who you are, who you represent, and your plans for observing.
2. Turn off cell phones and pagers
3. Keep voices to a low whisper

Observers may:

1. Observe and make notes about the proceedings at the polls, including the opening and closing procedures.
2. Obtain information from the Precinct Roster that is posted near the entrance.
3. Look at the copy of the Precinct Roster being updated at the worktable, if the Election Officers are not using it and there are no Voters waiting to vote.
4. Upon request, be permitted to observe and inspect, without physical contact, the integrity of all *externally visible* security seals used to secure voting equipment in a time and manner that does not interfere with the conduct of the election or the privacy of any voter. (*Conditional Recertification, 2007*)

Observers may not:

1. Interfere in any way with the conduct of any election.
2. Talk to Elections Officers or voters in such a manner as to interfere with or delay the voting process.
 - a. Observers have the right to ask Election Officers questions regarding election procedures and to receive an answer or be directed to the Registrar of Voters for an answer. However, if persistent questioning disrupts the execution of their duties, the Election Officers may stop responding and direct the Observers to the Registrar of Voters for all further answers.
3. Touch any voting materials or equipment or sit at the official worktables.
4. Use the area between the official worktables, voting booths and vote tabulating equipment as observation point/post.

5. Intimidate or impede Elections Officers or voters in any way.
6. Insist that the Election Officers stop processing voters so the Observers may view either the Precinct Roster being updated at the worktable or the second copy of the Precinct Roster posted by the doorway.
Note: The second copy of the Precinct Roster posted by the doorway is updated at least once each hour until 6 p.m. as long as it does not interfere with the processing of voters.
7. Interfere with the timely closing of the polls or transportation of the ballots to the Central Office.
8. Within 100 feet of the entrance to a poll, talk to voters relating to the casting of a vote, display any election material, wear candidate badges, or speak to a voter relating to their qualifications to vote.
9. Use cellular telephones, pagers or two-way radios inside the polling place, or within 100 feet of the entrance to the polling place.
10. Use cameras, including cellular telephone cameras, or video recording devices of any kind while inside the polling place or photograph, videotape, or otherwise record a voter entering or exiting a polling place with intent of dissuading them from voting.
 - a. Photography of any sort in the polling place is a highly sensitive issue. Voters may and can object to being photographed or videotaped. Observers must receive prior approval from the Precinct Inspector before photographing polling place activities such as opening or closing, seal verification, or other polling place procedures.
11. Remove or view any materials, including the posted Precinct Rosters, in a way so that others are unable to use them.
12. Use telephone or other polling place facilities.
13. Talk in a loud voice or behave in a disruptive manner
14. Congregate in excessive numbers inside the polling place.

VI. Mechanism for Feedback

Panelists are provided a form for providing feedback concerning the administration of the election. However, panelists may also provide oral or written feedback to the Registrar of Voters in any other appropriate manner, including letters, memorandum, or phone calls.

After the completion of the canvass and certification of the election results, the Observers will also be invited to a post-election meeting with the Registrar and Assistant Registrar of Voters. The Registrar is not obligated to implement any idea or suggestion provided by the Observers. However the Registrar will carefully consider each of the Observers' proposals in relation to the law, feasibility of successful implementation, and budgetary and staffing constraints.